UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1064
19 July 1991

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Forty-second session

SUMMARY RECORD OF THE 1064th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 July 1991, at 10.30 a.m.

Chairman: Mr. POCAR

CONTENTS

Opening of the session

Adoption of the agenda

Organizational and other matters

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-16526/6658a

The meeting was called to order at 10.50 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the forty-second session of the Human Rights Committee.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CCPR/C/72)

2. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (item 2 of the agenda)

3. The CHAIRMAN invited the Committee to consider the programme proposed by the secretariat of the Committee, which had been distributed to members as a document without a symbol. He announced slight changes in the programme for 9 and 10 July, designed to enable each of the two Working Groups to hold an additional meeting.

4. Mr. PRADO VALLEJO asked why only two meetings were scheduled for consideration of the second periodic report of Morocco, on 11 July, whereas three meetings were allocated to each of the other three countries whose second reports were to be considered.

5. The CHAIRMAN reminded the Committee that it had already devoted four meetings to the second periodic report of Morocco, at its fortieth session, in the autumn of 1990, but had not been able to complete its consideration (CCPR/C/SR.1032-1035); the two meetings scheduled for the present session should thus be sufficient.

6. The programme of work, as amended, was adopted.

7. The CHAIRMAN invited the Chairman/Rapporteur of the Working Group on Communications to make a brief oral report.

8. Mr. MYULLERSON (Chairman/Rapporteur of the Working Group on Communications) said that Mr. El Shafei, Mr. Prado Vallejo, Mr. Pocar, Mr. Sadi and he had held five meetings, from 1 to 5 July 1991, to consider communications. The Group had adopted a decision in accordance with rule 90 of the rules of procedure, and had decided to consider two communications jointly; it had further adopted three decisions on admissibility and four recommendations with regard to views concerning five communications (two considered jointly), and lastly a decision requesting additional information from a State party. In addition, the Group had postponed a difficult case raised by a communication from Jamaica, for the consideration of which, as for several others, it needed more time; he therefore asked the Chairman to arrange two additional meetings for the Working Group on Communications.

9. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under article 40) said that the Group, comprising Mr. Ando, Mr. Dimitrijević, Mr. Wennergren and himself, had prepared three lists of issues to be taken up in connection with the consideration of the second periodic reports of Iraq, Jordan and Madagascar; on the basis of suggestions by members of the

Committee, it had revised two draft general comments on articles 7 and 10 of the Covenant. Lastly, the Group had considered various matters relating to the forthcoming World Conference on Human Rights. Because of its heavy agenda, the Working Group under article 40 had been unable to complete its work and would need to hold one or two additional meetings, which could, if necessary, be of an informal nature.

10. The CHAIRMAN said that steps would be taken to ensure that the two Working Groups would be able to meet to complete their work. He invited the Committee to begin its consideration, section by section, of the list of issues relating to the consideration of the second periodic report of Madagascar (CCPR/C/28/Add.13), and then of the list relating to the consideration of the second periodic report of Jordan (CCPR/C/46/Add.4) (lists prepared by the Working Group under article 40).

List of issues to be taken up in connection with the consideration of the second periodic report of Madagascar (CCPR/C/28/Add.13)

Section I: Constitutional and legal framework within which the Covenant is implemented (articles 2 (2) and (3))

11. Section I was adopted.

Section II: Right of self-determination (article 1)

12. Mr. SADI said that he understood the right of self-determination was interpreted in a broad sense by the Human Rights Committee and that he therefore wondered whether the issue raised in section II might not be expanded to cover, for example, the question whether elections were regularly organized by the State party.

13. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under article 40) pointed out that the question of elections was taken up in section XI of the list, which was concerned among other things with the application of article 25 of the Covenant; the Working Group had consequently not thought it necessary to raise the matter in section II.

14. Mrs. HIGGINS said that the Committee did indeed regard the right of self-determination as going beyond liberation from colonial or foreign domination and applying also to the process whereby a people progressed towards the creation of a State. Article 25 of the Covenant, on the other hand, related to the situation where self-determination was already effective, and matters more specifically relating to that situation, such as the question of regular elections, were dealt with in the section on the application of article 25.

15. Mr. MAVROMMATIS shared that view.

16. The CHAIRMAN invited the Committee to adopt section II without amendment.

17. Section II was adopted.

Section III: Non-discrimination and equality of the sexes

18. Mr. PRADO VALLEJO asked whether it was proper to use the adjective "outdated" ("obsoletas" in Spanish), in section III (c) to describe some of the provisions of the Code of Commerce. It was not the Committee's business to make that sort of judgement, but rather to ask the State party whether the legislation was in fact in conformity with the provisions of the Covenant. The wording of that question should accordingly be reviewed.

19. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group) said that the question had been formulated in that way in the light of what was said in paragraph 95 of the second periodic report of Madagascar, namely that the Code dated back to 1895.

20. The CHAIRMAN suggested deleting the word "outdated".

21. Section III, as amended by the Chairman, was adopted.

22. Sections IV and V were adopted.

Section VI: Liberty and security of the person

23. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group) said that, in the Spanish version of question (c), the Working Group proposed that the term "medidas legales" should be used instead of "recursos" to translate the English words "legal actions".

24. Section VI, with the amendment to the Spanish version, was adopted.

25. Sections VII and VIII were adopted.

Section IX: Right to privacy

26. Mrs. HIGGINS said that the English text at the end of the second question could be improved by replacing the words "disposed of" by "dealt with".

27. Section IX, as amended by Mrs. Higgins, was adopted.

Section X: Freedom of opinion and expression; prohibition of propaganda for war and of incitement to national, racial or religious hatred

28. Mrs. HIGGINS said that the English text of paragraph (e) could be improved by replacing the word "which" before the word "limits" by "what".

29. Section XI, as amended by Mrs. Higgins, was adopted.

30. Sections XII and XIII were adopted.

31. The list of issues to be taken up in connection with the consideration of the second periodic report of Madagascar (CCPR/C/28/Add.13), as amended, was adopted.

List of issues to be taken up in connection with the consideration of the second periodic report of Jordan (CCPR/C/46/Add.4)

Section I: Constitutional and legal framework within which the Covenant is implemented

32. Section I was adopted without amendment.

Section II: Right of self-determination

33. Mr. NDIAYE said that he had difficulty in understanding the purpose of the question raised in section II, since Jordan's position on the Palestinian people's right of self-determination seemed to him well known. If the Committee had specific questions to ask, it could do so, but a question in such general terms was quite inappropriate.

34. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group) said that the view taken by the Working Group had been that it was preferable to put the question in very general terms in view of recent developments in the Middle East.

35. Mr. EL SHAFEI said that it would be better to delete the question altogether.

36. The CHAIRMAN said that, if there was no objection, he took it that the Committee was prepared to delete section II as a whole.

37. It was so decided.

38. The CHAIRMAN said that subsequent sections of the list would be renumbered accordingly. For convenience sake, he would continue to refer to them by their original numbers.

Section III: State of emergency

39. Mrs. HIGGINS wondered why the question raised in paragraph (c) was whether consideration was still being given to complying with article 4 (3) of the Covenant. In her view, the Committee should ask whether consideration was or was not being given.

40. Mr. AGUILAR URBINA accepted Mrs. Higgins' amendment. He also drew the Committee's attention to the fact that the state of emergency in Jordan had been lifted very recently and asked whether there was any point in keeping section III.

41. The CHAIRMAN said that the Jordanian delegation would no doubt provide any necessary information on that subject.

42. Section III, as orally amended, was adopted.

Section IV: Non-discrimination and equality of the sexes

43. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group) asked that, in the Spanish version, the words "en comparación con" should be replaced by "con referencia a".

44. Section V was adopted.

45. Sections VI to IX were adopted without amendment.

Section X: Right to privacy

46. Mr. PRADO VALLEJO said that it was not enough to ask the delegation to elaborate on the circumstances prescribed by law in which postal and telegraphic correspondence and telephone communications might be seized or censored; the question of the compatibility of those measures with article 17 (2) of the Covenant should be raised.

47. The CHAIRMAN said that, since the Committee appeared to be in favour, an amendment in the sense proposed would be added.

48. Section X was adopted subject to the agreed addition.

49. Sections XI to XVI were adopted without amendment.

50. The list of issues to be taken up in connection with the consideration of the second periodic report of Jordan, as orally amended, was adopted.

51. At the request of Mrs. HIGGINS, the CHAIRMAN read out the note addressed to the Government of Iraq requesting submission of its report, as approved by the Committee at its 1062nd meeting on 11 April 1991. When the Committee came to discuss the list of issues to be taken up in connection with the consideration of the third periodic report of Iraq, the Bureau would have a number of suggestions to make about the procedure to be followed.

The meeting rose at 11.55 a.m.